

Appl. No. 10/736,863

Remarks:

As an initial matter, Applicants wish to thank the Examiner for the courtesy of an interview conducted by phone on May 21, 2008. In the interview, the Examiner indicated that the amendments appeared to overcome the cited art.

In the Office Action dated March 5, 2008, the Examiner rejected claims 29, 31, 34, 35, 37, 40, 41, 43 and 46-49 under 35 U.S.C. 102(b) as being anticipated by Smyth (US 4,393,883). In response, Applicants have amended independent claims 29, 35 and 41 to more clearly distinguish over the cited art. Specifically, the independent claims have been amended to recite that the distal exit port of the lumen is distal of the one or more distal electrodes. Support for this amendment may be found, for example, in Figures 3, 7 and 8. By contrast, Smyth shows the sheath 15 (alleged "tether") of ventricular lead 14 passing through junction 30 (alleged "distal exit port") of atrial lead 12, with the junction 30 located *proximal* of the distal electrode 20. As such, Applicants submit that independent claims 29, 35 and 41, including all claims dependent therefrom, distinguish over Smyth.

In addition, independent claims 29, 35, and 41 have been further amended to recite that the tether is connected to the anchor by tying a knot or swaging. None of the cited art fairly teaches these features in combination with the other recited elements in the claims.

Also, because the Examiner noted that "coronary lumen" was not given patentable weight, Applicants have amended the independent claims to eliminate reference to a "coronary lumen" and "intraluminal" in favor of making reference to a "heart".

The Examiner also rejected claims 30, 32, 36, 38, 42, 44 and 45 under 35 USC 103(a) as being unpatentable over Smyth, noting that both a connector to limit longitudinal movement and

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a braided tether are well known, citing the need to provide predictable results of fixing members at desired locations and improving tensile strength, respectively. Applicants do not concede these points, but rather assert that the present claim amendments render this rejection moot for the reasons set forth above. Applicants reserve the right to contest these assertions if sustained or later revived.

Reconsideration and allowance of all pending claims is respectfully requested. Any inquiry regarding this matter may be directed to the undersigned representative at (612) 226-3874.

Respectfully submitted,
Atkinson et al.
By their attorney,

Date: _____

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